

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PATRICK HENRY MURPHY,
Plaintiff,

v.

TDCJ EXECUTIVE DIRECTOR
BRYAN COLLIER, CID DIRECTOR
BOBBY LUMPKIN, AND WARDEN
DENNIS CROWLEY, *Defendants.*

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CIVIL ACTION NO. 4:19-cv-1106

JOINT ADVISORY

The parties jointly submit this advisory regarding the status of Mr. Murphy's claims. The Court reopened this case following an administrative stay and directed the parties to submit a joint proposed scheduling order. ECF No. 103.

Following the Supreme Court opinion in *Ramirez v. Collier*, 142 S. Ct. 1264 (2022), TDCJ approved Murphy's request for his chosen spiritual advisor to audibly chant in the execution chamber during the execution process. The parties believe that claim to be resolved and will memorialize the accommodation in a filing. However, the parties continue to actively discuss the details of Murphy's request related to the pre-execution holding area. The current policy allows spiritual advisor visitation in the pre-execution holding area from 3:00 p.m. to 5:00 p.m.¹ Accordingly, the time at issue is the time when Murphy will arrive at the pre-execution holding area on the afternoon of his execution through 3:00 p.m., and the hour from 5:00 to 6:00 p.m. when the execution will commence. The parties are discussing the

¹ That time must be split with an attorney should the prisoner desire an attorney visit.

secular tasks that must be completed during the time frame at issue and the logistics of when the spiritual advisor may be brought into the holding area.

Because the parties are still discussing the outstanding religious accommodations, the parties respectfully suggest that a scheduling order would be premature. It is unclear whether any part of Murphy's pre-execution holding area claim will be unresolved; so the parties are unclear what may need to be scheduled for briefing. Counsel for the parties commit to actively engage in continued discussions in an attempt to resolve the outstanding issues, or to quickly notify the Court if it is determined that an issue cannot be mutually resolved among the parties.

Respectfully submitted.

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NOTICE OF ELECTRONIC FILING

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, certify that I have electronically submitted for filing a true and correct copy of the foregoing in accordance with the Electronic Case Files system of the Southern District of Texas, on June 1, 2022.

/s/ Leah O'Leary

LEAH O'LEARY

Assistant Attorney General

CERTIFICATE OF SERVICE

I, **LEAH O'LEARY**, Assistant Attorney General of Texas, certify that a true and correct copy of the foregoing has been served on all attorneys of record by electronic notification through the ECF system for the Southern District of Texas on June 1, 2022, to all attorneys of record.

/s/ Leah O'Leary

LEAH O'LEARY

Assistant Attorney General